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Letter dated 11 March 2011 from the Permanent Representative of Austria to the United Nations addressed to the President of the General Assembly

I have the honour to inform you that the Government of Austria has submitted its candidature for membership in the Human Rights Council for the term 2011-2014 at the elections to be held in May, during the sixty-fifth session of the General Assembly.

In accordance with General Assembly resolution 60/251, the Permanent Mission of Austria has the honour to submit herewith a specific set of pledges and commitments underscoring Austria's active engagement in the promotion and protection of human rights at the global, regional and local levels (see annex).

I should be grateful if you could have the present letter and its annex circulated as a document of the General Assembly.

(*Signed*) Thomas **Mayr-Harting**
Ambassador

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Annex to the letter dated 11 March 2011 from the Permanent Representative of Austria to the United Nations addressed to the President of the General Assembly

Candidature of Austria to the Human Rights Council, 2011-2014

Pledges and commitments[1]

The promotion and protection of human rights is of utmost importance to Austria. Austria is committed to the comprehensive protection of human rights at the national and international levels. Austria's policies are firmly rooted in the conviction that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing. The promotion and protection of all human rights has to be advanced through global partnership and dialogue with all actors. The United Nations Human Rights Council plays a key role in the international field in this regard. Therefore, Austria has decided to announce its candidature for membership in the Human Rights Council for the period 2011-2014. This is Austria's first candidature since the establishment of the Human Rights Council in 2006. In accordance with General Assembly resolution 60/251, Austria announces the following voluntary pledges and commitments:

1. International engagement

Austria has a long-standing record of active engagement in developing and strengthening the international human rights protection regime in the United Nations framework. It has actively participated in generating human rights treaties and standards. Austria will continue its active work to achieve progress in the standardization of international human rights obligations, and shall **ratify the International Convention for the Protection of All Persons from Enforced Disappearance.**

Austria has demonstrated its engagement in the international human rights system through the organization and hosting of major human rights conferences. The 1993 World Conference on Human Rights in Vienna and several follow-up conferences are examples of such engagement. The Vienna Declaration and Programme of Action remain of p[illegible]al importance, and are the basis for the establishment of the Office of the High Commissioner for Human Rights (OHCHR). **Austria is committed to continue to act as a host for dialogue and cooperation.**

Austria served regularly as a member of the former Commission on Human Rights, has actively taken part in the establishment of the Human Rights Council, and has contributed to the Council's work as an observer. **Austria pledges to cooperate with all States members of the Human Rights Council in an open and transparent manner. In order to contribute to the full implementation of the mandate of the Human Rights Council, Austria pledges to foster a culture of cross-regional cooperation in human rights issues and problem-solving**

[1] The pledges and commitments for Austria's first candidature to the Human Rights Council were endorsed by the Federal Government on 23 February 2010. Progress which could be achieved in the meantime on some issues will be specifically referred to by footnotes in the text.

processes. Austria regularly sponsors resolutions in the Human Rights Council and in the Third Committee of the General Assembly on the promotion and protection of rights of minorities, the human rights of internally displaced persons, and human rights in the administration of justice. These resolutions are co-sponsored by countries from all regions and adopted by consensus. **Austria is committed to continue these initiatives in the framework of joint, cross-regional cooperation. Austria remains committed to an independent and effective OHCHR, and aims at further strengthening its engagement.** Austria shall also continue to support the important work of Special Rapporteurs of the Human Rights Council and treaty bodies and strongly advocate the further strengthening of the universal periodic review system. Civil society is closely involved in the preparation of Austria's own national report. Reaching the Millennium Development Goals is at the core of Austria's development cooperation, which supports its partner countries in Africa, Asia, Central America and South-East Europe on their paths towards sustainable social, economic and democratic development based on the rule of law. The promotion and protection of human rights is not only a priority; it is also central to the Austrian Development Cooperation, which focuses on protecting the interests of children, women, persons with disabilities, and other discriminated groups. This is reflected in specific programmes and projects within the framework of bilateral cooperation and the support of institutions such as OHCHR, the United Nations Development Programme, the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the United Nations Development Fund for Women. **Austria will continue to deepen this engagement.**

As a non-permanent member of the Security Council in 2009 and 2010, Austria strongly advocated the protection of children and civilians in armed conflict. Austria gave due attention to the role of women in maintaining peace and security, as well as to the adherence to obligations of parties to a conflict under international humanitarian and human rights law. Upon Austrian initiative, the Security Council passed the seminal resolution 1894 (2009), which contributes to the further strengthening of the protection of civilians in armed conflict. Another Austrian priority in the Security Council was the protection of human rights in the fight against terrorism.

2. Full commitment to human rights protection at home

Austria has ratified and implemented key international human rights conventions. The European Convention on Human Rights has been incorporated into the Austrian Constitution; the jurisdiction of the European Court of Human Rights is a direct guideline for the activities of Austrian State institutions. All authorities and courts are to comply with constitutionally guaranteed rights; control is vested in the Constitutional Court. In addition, a number of independent monitoring bodies have been established to monitor and control compliance with human rights standards. In 1999 the independent Human Rights Advisory Board was established to monitor all security services' activities from a human rights viewpoint. This entails the authorization to visit any police station and police detention centre without prior notice. In Parliament, a standing committee on human rights has been created to deal with human rights issues on a permanent basis.

Austria fully cooperates with all international and regional monitoring mechanisms and has issued standing invitations to all Special Procedures. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Commission against Racism and Intolerance recently undertook visits to Austria. Austria fulfils its periodic reporting obligations to human rights treaty bodies comprehensively and in a timely manner. It is in particular the board of human rights coordinators of the government ministries and the federal provinces that carries out the preparation of reports and provides follow-up on reviews. A systematic follow-up is guaranteed by compiling the recommendations of all Special Procedures. Austria attaches great importance to the role of civil society in promoting human rights. The Government and its authorities are in regular dialogue with civil society and thoroughly examine their requests. Austria promotes the strengthening of human rights protection on the regional level, in particular within the framework of the Council of Europe and the European Union (EU). Austria welcomes the entry into force of the legally binding Charter of Fundamental Rights of the EU. Austria also hosts the EU Agency for Fundamental Rights, which offers comprehensive expertise and advice to the Union and its member States.

3. Austrian priorities in the area of human rights

Children's rights

In focusing on the protection of children affected by armed conflict, Austria supports projects for the reintegration of child soldiers and other affected children. Equally important areas are access to education, food and health care. The protection of children is also part of the predeployment training for Austrian troops participating in international peace operations. The Convention on the Rights of the Child and the Optional Protocols thereto are of particular importance to Austria. Therefore, the **rights of children as fundamental rights shall be incorporated in the Austrian Constitution** in accordance with the Convention.[2] In addition, Austria will **ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.**[3] Furthermore, Austria is taking measures in the international fight against sexual exploitation of children in tourism and in the new media, as well as against child trafficking.

Women's rights

The protection of the rights of women is a crucial element of Austria's policies; Austria was among the first States to ratify the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore, Austria is fully committed to the objectives of Security Council resolution 1325 (2000) and has developed a national action plan for its implementation, which is under regular review. The elimination of gender-based violence is a prerequisite for the active and equal inclusion of women in political and economic decision-making processes. Austria therefore firmly supports initiatives such as the campaign of the Secretary-General "UNite to End Violence against Women", and provides financial support to

[2] The federal constitutional law on children's rights was promulgated 15 February 2011 (Federal Law Gazette I 4/2011).

[3] The Austrian Parliament approved the ratification of this Convention on 30 November 2010.

the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women. **Austria actively participates in negotiations on a convention of the Council of Europe to combat violence against women, including domestic violence.** At the national level, Austria installed a prevention council for the coordination of the implementation of legislation on violence against women in 1997. The legislation for the protection against domestic violence has been recently strengthened and support to institutions for the protection of victims increased. Currently a national action plan for equality between men and women in the labour market is in preparation. Equal access to justice, education and political participation are important aspects of Austria's development cooperation.

Rights of persons with disabilities

Austria is firmly committed to the promotion of rights of persons with disabilities. Since the introduction of the law on equality of persons with disabilities in 2006, persons with disabilities are guaranteed legal protection from discrimination on the federal and provincial level. With these legal guarantees of equal treatment and non-discrimination, Austria has gone far beyond the requirements for equality in employment and professional life as stipulated in the relevant EU directive 2000/78. A further concrete example is the establishment of an independent attorney for disabled persons who is responsible for advice and support to persons with disabilities.

In 2008 Austria was among the first EU member States to ratify the Convention on the Rights of Persons with Disabilities, including the Optional Protocol thereto. In accordance with the Convention, the Austrian federal law on persons with disabilities was amended and an independent national monitoring mechanism was established; members with the right to vote in this body are exclusively representatives of non-governmental organizations. Austria also supports the General Assembly resolutions on the rights of persons with disabilities, in particular the resolution on the World Programme of Action Concerning Disabled Persons (resolution 37/52). Moreover, in the Security Council, Austria has advocated the promotion of specific needs of persons with disabilities in armed conflict. Austria's work for a paradigm shift towards the recognition of the rights of persons with disabilities as human rights has also been continued in the Council of Europe.

Strengthening the rule of law

The improvement of international cooperation between different actors with the aim of strengthening the rule of law is a long-standing Austrian priority. This includes support for legal reform programmes and justice, as well as reconciliation mechanisms. The promotion of international measures to strengthen human rights in the administration of justice, and in particular in the administration of juvenile justice, constitutes a part of this engagement. Active cooperation by Austria with the International Criminal Court and international tribunals also forms part of this engagement. The promotion of the rule of law was the key priority of Austria's membership in the Security Council in 2009 and 2010.

Austria is committed to the continuous improvement of its rule of law standards at the national level. In addition to already existing norms in criminal law that already penalize all forms of torture, of key concern to Austria are the

incorporation of a definition of torture in the criminal code and the further improvement of legal protection against torture. Legal adjustments to the criminal code in the area of crimes against humanity and war crimes are also currently being developed. Furthermore, Austria envisages the ratification of **the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** and the establishment of a national prevention mechanism, which would expand the already existing Human Rights Advisory Board.

Human rights education

The effective protection of human rights depends on knowledge and awareness of these rights throughout all sectors of society. Therefore, Austria developed the human rights education manual "Understanding Human Rights", which has been translated into 14 languages and is being used widely all over the world. **Austria remains committed to conducting human rights training together with other States using this manual.** At the national level, Austria will continue human rights training programmes for civil servants, in particular judges, attorneys and police personnel. Mandatory training on fundamental rights for prospective Austrian judges and attorneys has existed since 2007. Training focuses predominantly on fundamental rights, which are of particular relevance to the work of the courts, and on decisions of the European Court of Human Rights.

Fight against racism and discrimination

Austria is engaged in the fight against racism, discrimination based on race, xenophobia, and related intolerance at the international and national levels and actively participated in the Durban Review Conference in 2009. At the domestic level, Austria takes concrete measures in the areas of integration of migrants and fostering intercultural dialogue and awareness-raising against racism and xenophobia among the population. By implementing international treaties and EU directives, the anti-discrimination legislation has been strengthened in recent years. The Equal Treatment Commission, the Ombudsperson for Equal Treatment and the relevant bodies of the provinces provide for far-reaching protection against discrimination in employment and in access to goods and services.

One important step will be **Austria's accession to the UNESCO Convention against Discrimination in Education.**[4] A further priority is the continuation of human rights and anti-discrimination training for judges, civil servants and, in particular, the police. To this end, several training projects dealing with the challenges of police action in a multicultural society are taking place. Moreover, Austria takes strong measures in order to increase the number of civil servants with a migratory background. Additionally, there are numerous initiatives against racism at the local level; for instance, several Austrian cities are members of the coalition of European cities against racism.

[4] The Government of Austria decided on the ratification of this Convention on 11 January 2011 and submitted it to Parliament for approval.

Intercultural dialogue and freedom of religion

Austria has a long and successful tradition of intercultural and inter-faith dialogue. In these activities, particular focus is laid on strengthening the role of women and the inclusion of young people. In this respect, the issues of social, cultural and religious pluralism, the promotion of democracy and adherence to human rights, including freedom of religion, are of utmost importance. **Austria will continue and deepen its efforts to promote intercultural dialogue and freedom of religion.**

Fight against trafficking of human beings

As a contracting party to all relevant international legal instruments against human trafficking, Austria is actively engaged in enhancing international cooperation on the fight against trafficking in human beings. Austria regularly supports projects in cooperation with international organizations and United Nations institutions such as the International Organization for Migration, the Organization for Security and Cooperation in Europe, UNODC and the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). In 2004, the federal Government created a task force on trafficking of human beings, which is currently working on the implementation of the second national action plan (2009-2011). Under the guidance of the national Coordinator on Combating Human Trafficking, the task force pursues concrete solutions in the areas of prevention and protection of victims, criminal prosecution and international cooperation.

Overall, these priorities demonstrate the broad, substantive and substantial range of Austria's commitments to the promotion and protection of human rights at the global, regional and local levels. Austria undertakes its numerous activities and initiatives in close cooperation with an equally broad range of partners at all levels. Its membership in the Human Rights Council will allow Austria to pursue this engagement even more actively and comprehensively.